

OGC 72-1869

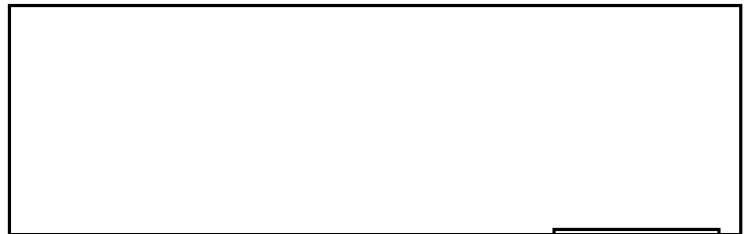
18 December 1972

MEMORANDUM FOR: Deputy Director for Intelligence

SUBJECT : Pan Am 747 Destroyed in Cairo

1. The United States Attorney for the Southern District of New York has requested information about five classified reports. This Office has not furnished any classified information to the U.S. Attorney or to the litigants. NE/DDP states that these reports appear to be from Central Reference Service and/or OCI Bulletins. It would be appreciated if you could have the appropriate people review the reports to ascertain if they do contain information from Agency reports and if, in fact, they should remain classified.

2. The Court has now set a hearing for 27 December. It would be appreciated if you could give us a reply by close of business 20 December.



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Assistant General Counsel



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Attachments

Reg. Mail

012 72 1856

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

MPB

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
FOLEY SQUARE ais
NEW YORK, N. Y. 10007

December 13, 1972

STAT

[REDACTED]
Assistant General Counsel
Central Intelligence Agency
Washington, D. C. 20505

Re: Pan Am v. Aetna, et al.

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Dear [REDACTED]

Enclosed herewith are copies of five classified reports given to our office by the ~~CIA~~ which have been used by our office in connection with the above action.

They are the subject of a discovery motion pursuant to which the Court may order production if certain formal requirements are not met. With respect to the two "confidential" reports dated August 23, 1971, we would request that they either be declassified or at least made available to Davis Polk on a protective basis where attorneys could see the reports but not copy them or use them at trial.

With respect to the "secret" reports (and the two "confidential" reports previously mentioned), if you deem it necessary to plead the "secrets of state" privilege with respect to them, please do so formally. The "secrets of state" privilege must be claimed by an affidavit from the Director stating why each document may endanger national security or international relations without revealing the secret.

The "LOW" report on [REDACTED] we would ask to be declassified in the event production is required by the Court.

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[REDACTED] With respect to the two "secret" reports and the [REDACTED] report, our office may also plead the attorney's work product and trial preparation privilege.

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If any are to be "state secrets", we would advise a formal plea by the Director immediately. If you have any questions do not hesitate to contact me or Mr. Barkan at 212-264-6537 or 6322.

Thank you for your cooperation.

Very truly yours,

WHITNEY NORTH SEYMOUR, Jr.
United States Attorney

By: Daniel H. Murphy
DANIEL H. MURPHY, II
Assistant United States Attorney

Enclosures

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